

BEFORE THE TENNESSEE REGULATORY AUTHORITY

Nashville, Tennessee

November 14, 2002

IN RE:

**PETITION OF TENNESSEE UNE-P
COALITION TO OPEN A CONTESTED
CASE PROCEEDING TO DECLARE
SWITCHING AN UNRESTRICTED
UNBUNDLED NETWORK ELEMENT**

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**DOCKET NO.
02-00207**

ORDER SUSPENDING DATES

This docket came before the Pre-Hearing Officer to address the facts that numerous responses to data requests remain outstanding despite such responses being due by November 8, 2002 and that other previously set deadlines depend on the filing of the data request responses.


On October 23, 2002, the Pre-Hearing Officer issued the *Order on October 2, 2002 Status Conference and Subsequent Filings*. In the order, the Pre-Hearing Officer directed the Tennessee Regulatory Authority ("Authority") to issue by October 25, 2002 data requests to certain competing local exchange carriers ("CLECs") that had not previously received the requests and ordered the request recipients to file their responses with the Authority on or before November 8, 2002. Additionally, the Pre-Hearing Officer directed an Authority staff member be designated to file the data in an aggregated format by November 15, 2002 and the parties to this docket to file certain agreed dates by November 20, 2002.

As of the date of this order, less than fifty percent (50%) of all CLECs sent data requests have filed responses. More important, some of those that have failed to respond are carriers that

are actively providing service to Tennessee consumers. Given the fact that many members of the CLEC community have failed to file a timely response to this agency's request for information, it is necessary to extend the date by which the designated Authority staff member must file the aggregated data. Likewise, the parties should not be expected to file agreed dates prior to the filing of the aggregated data.

IT IS THEREFORE ORDERED THAT:

1. The November 15, 2002 deadline for the Tennessee Regulatory Authority to designate a staff member to aggregate the data contained in the responses and to file the aggregated data in the docket room is suspended until otherwise ordered.
2. The November 20, 2002 deadline for the parties to this docket to file agreed dates for the filing of supplemental direct testimony, the filing of rebuttal testimony, a pre-hearing conference, and a hearing on the merits is suspended until otherwise ordered.
3. Those CLECs that have not responded to the data requests shall do so by no later than **Wednesday, November 27, 2002.**¹



RON JONES, DIRECTOR
AS PRE-HEARING OFFICER

¹ Section 65-4-120 provides:

Any public utility which violates or fails to comply with any lawful order, judgment, finding, rule, or requirement of the authority, shall in the discretion of the authority be subject to a penalty of fifty dollars (\$50.00) for each day of any such violation or failure, which may be declared due and payable by the authority, upon complaint, and after hearing, and when paid, either voluntarily, or after suit, which may be brought by the authority, shall be placed to the credit of the public utility account.

Tenn. Code Ann. § 65-4-120 (Supp. 2002).